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WA STATE BOARD OF HEALTH

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December 1, 2006

Dr. Kim Marie Thorburn, Chair
Washington State Board of Health
101 Israel Road S.E.
P.O. Box 47990
Olympia, WA 98504

Dear Dr. Thorburn:

I submit these recommendations regarding the Board's school health rules, on behalf of the 80,000 members of the Washington Education Association and the one million students in Washington's schools.

The lack of good indoor environmental quality has compromised the health of a substantial number of students, teachers and other school employees. Poor indoor environmental quality adversely impacts children's ability to learn. Because of the impact of indoor environmental quality on students and staff in Washington's schools, the WEA deems it urgent that the Board issue rules which guarantee a safe learning and working environment.

First, I want to reemphasize WEA's objection to any rule that allows a local health authority to grant a school district a waiver or exemption from any rule regarding school health. WEA would withdraw this objection under two conditions:

1. that the rule allowing a waiver or exemption provides that only the school board may decide to request such waiver or exemption, and that such decision must be made as a resolution of the school board subject to the provisions of the Open Public Meeting Law, Chapter 42.30.060 RCW, and
2. that the rule allowing a waiver or exemption provides that only the local health board may decide to grant such waiver or exemption, and such decision must be made as a resolution of the local health board subject to the provisions of the Open Public Meeting Law, Chapter 42.30.060 RCW.

These conditions would give flexibility to the school board and local health board, yet ensure that parents and employees would have an opportunity to know about the proposed waiver or exemption, and if needed, present information as to why it should not be requested or granted. Moreover, this would not be an additional cost to either the school boards or the local health boards, since all of them currently comply with the Open Public Meeting Law.

Additionally, the WEA recommends that the Board issue specific rules as set forth below. Several school and state agency officials asserted during their statements to the State Board of Health that most school districts follow the best practices recommended by the Department of Health to ensure that the environmental health and safety of students and staff. Accepting these assertions as accurate, as the suggestions set forth below¹ are based on the Department's best practice recommendations, they will not be a hardship or funded mandate for most school districts.

1. Specific and measurable air quality standards requiring that CO₂ levels, air flow rates, relative humidity, pressurization of buildings and rooms, and total particulates for each classroom and occupied space in each school building² meet current ASHRAE standards for educational facilities. The rule must include a requirement setting forth the testing protocols to be used, such as that measurements of CO₂ levels be taken at breathing level, when classrooms and other occupied spaces are occupied by the usual number of people occupying such classroom or space, and must be taken no sooner than 60 minutes after the classroom or space has been occupied by that usual number of people. The rules must also include a requirement that CO not exceed safe levels in boiler rooms, kitchens and other rooms where that gas may build up.
2. Requirement that written records of CO₂ levels, air flow rates, relative humidity, pressurization and total particulates for each classroom and occupied space be kept and maintained for five years, including the signature and name of the person or persons taking the measurements, the date taken, and the specific measurements found on that date.
3. Requirement that each school follow a checklist, set forth in the rules, prescribing the tasks that must be performed annually to inspect, maintain and monitor the building's HVAC system and building envelope, and the frequency with which each task must be performed.
4. Requirement that each school maintain a written record of compliance with the checklist mentioned above, of the tasks performed annually to inspect, maintain and monitor the HVAC system and building envelope, indicating the name and signature of the person performing each task, specific action taken, the date task or action was performed, reason action was taken (e.g. routine maintenance, or response to complaint) and any abnormality observed.
5. Requirement that each school district annually provide training to building operators and maintenance staff regarding the operation and maintenance of the HVAC systems used in that district, and that each District maintain a record of such training including dates when it was provided, the details of such training, and the names and signatures of persons attending, and the name and signature of person giving such training.

¹ Other than those related to issuing a progress report at a public meeting.

² "Building" as used herein includes portable classrooms and portable offices, and any shed, garage or other structure, including manufactured structures, in which people work, learn or are otherwise present.

6. Requirement that each building principal, during a building staff meeting, once each year provide training to classroom teachers and other building inhabitants regarding what they can do to improve environmental health in the building and to make rooms custodian friendly.
7. Requirement for local venting of copiers, laminators and other sources of VOCs or ozone.
8. Requirement that materials in any school showing signs of mold or mildew shall be immediately removed, properly disposed of, and replaced with new and undamaged materials in accordance with the EPA's publication, *Mold Remediation in Schools and Commercial Buildings*.
9. Requirement that each school building be inspected annually for signs of moisture incursion and mold or mildew growth, and that each administrator responsible for any building maintain a record of such inspections, including the name and signature of the person making the inspection, the sites within the building which were inspected, the date inspected, and an indication as to whether signs of moisture incursion or mold or mildew were observed at each site, and whether remedial action was taken if moisture incursion, mold or mildew were observed.
10. Requirement that any person observing signs of moisture incursion, such as leaks, discolored or wet ceiling tiles, condensation and wet spots, shall immediately report such signs in writing to the building principal or building administrator, and a requirement that each building principal shall keep and maintain for five years a record of each reported incidence of moisture incursion, the date reported, the person making the report, the location of each such incursion, the date of any action taken to stop the moisture incurring, and the nature of such action.
11. Requirement that classroom sound level shall not exceed NC 30.
12. Requirement that each school district implement Integrated Pest Management.
13. Requirement that each building principal maintain a written record of each complaint received regarding environmental quality, including complaints that staff, students or parents or their doctors suspect that the building is affecting inhabitants' health. The principal's record shall indicate the date the complaint was received, from whom it was received, any action taken to resolve the complaint, and the date such action was taken, and where no action has been taken, a statement of explanation.
14. Requirement that each year, each school superintendent shall prepare an environmental quality progress report, and present it for review by the school board and the public at a regularly scheduled public meeting after giving public notice pursuant to the Open Public Meetings Law. Such progress report shall rate each school, in the same format and grading system used in the district's

progress reports for regular education students, in the following areas: indoor air quality, inspection, monitoring and maintenance of HVAC systems, inspection, monitoring and maintenance of building envelope, training of operations and maintenance staff re HVAC systems, training of building staff regarding how they can improve environmental health in their building, inspection of each building for moisture incursion, mold and mildew, remediation of observed water incursion, mold and mildew, classroom sound levels, and implementation of IPM. The progress report shall list prominently the types of records maintained by the school district regarding topics covered in the report card, and the name and contact information of the district employee who shall provide copies of such records on request. The board of school directors shall consider and decide at a public meeting what action will be taken to remediate any deficiencies in such progress report, or if the board decides that no action will be taken, shall state publicly the reasons for not taking action.

The WEA also recommends that the Board consider issuing a rule similar to the following, which is based on a federal rule of the Occupational Safety and Health Administration³:

Any employee or representative of employees or parent or guardian of a child attending school, who believes that an unsafe or unhealthful condition exists in any workplace⁴ where such employee is employed or in any school the child attends, shall have the right and is encouraged to make a report of the unsafe or unhealthful condition to the building principal, the operation and maintenance supervisor, or the superintendent of schools. The report shall be reduced to writing either by the individual submitting the report or, in the case of an oral notification, by the administrator receiving the report or other person designated to receive the reports in the workplace. Any such report shall set forth the grounds for the report and shall contain the name of the employee or representative of employees. The individual making the report or any child of the person making the report shall not be harassed, intimidated, ridiculed or deprived of any committee assignment, honor, assignment, term or condition of employment, grade or award, or subjected to any other adverse action. Each report of an existing or potential unsafe or unhealthful condition shall be recorded on a log maintained at the school district's central office. A copy of each report received shall, after deletion of the name of the individual making the report, be sent to the building safety and health committee and the district safety and health committee. The log must contain the following information: date, time, code/reference/file number, location of condition, brief description of the condition, classification (imminent danger, serious or other), and date and nature of action taken. An employee or employee representative or parent submitting a report of unsafe or unhealthful conditions shall be notified in writing within 15 days if the administrator receiving the report determines there are not reasonable grounds to believe such a hazard exists and does not plan to take any remedial action. A copy of each such notification shall be provided by the administrator to the building and district safety and health committees, all certified bargaining

³ In general, OSHA regulations are not binding on public employers such as school districts.

⁴ "Workplace" must be defined in the rules to include busses and other vehicles.

representatives of district employees and the parent teacher association. Any inspection or investigation report shall be made available to the employee or employee representative or parent making the report within 15 days after completion of the inspection. A copy of such inspection or investigation report shall be provided to the building and district safety and health committees, all certified bargaining representatives of district employees and the parent teacher association. If the employee or employee representative or parent disagrees with the investigation findings or the investigation report, the employee or employee representative shall have the right to employ, at the expense of the employee or employee representative or parent, an expert or experts to investigate and make an investigation report. Such expert or experts shall be provided the same access to the building as was provided to the individual or individuals who made such inspection or inspection report at the request of the school district.

I applaud the Board for the work it has done in investigating the issue of school environmental health. I trust that any rule making action taken by the Board will be meaningful and helpful. This is an opportunity not to be missed.

Thank you for considering these recommendations and for listening to the testimony of WEA members whose health has been adversely affected by an unhealthy work environment.

Sincerely,

A handwritten signature in cursive script that reads "Charles Hasse".

Charles Hasse, President
Washington Education Association